

Minutes of the Rowley Board of Selectmen's Meeting

Monday, January 8, 2001, Meeting convened at 7:00 the Selectmen's Office

Members present: G. Robert Merry, Chairman, Robert Madden and Attilio Paglia. (Town Administrator, Deborah Eagan, Executive Secretary, Beth Liffers)

Public Attendees: Jason Ingraham, Cliff Pierce, Eric Grover, James Broderick, Richard S. ... Jack DiMento, Nick Hurlin

G. Robert Merry opened the meeting at 7 p.m.

Appointments/Public Hearings

7:00 p.m. **APPOINTMENT:** Planning Board Member Cliff Pierce to discuss Master Planning process. Pierce announced that there is a community development meeting at 7:00 p.m. on Jan 24, 2001 at the Pine Grove School. He said that this meeting is the first step in obtaining a grant from the state to partially fund a master planning process.

General Business

1. Robert Madden moved to approve the 2002 Compensation Schedule as approved by the Personnel Board on January 3, second Attilio Paglia, all in favor - aye.
2. G. Robert Merry stated that we had a vacancy for Animal Control Officer and there was an applicant, Reed Wilson. Attilio Paglia moved to approve Reed Wilson for a 3-year appointment term to expire June 30, 2004, second Robert Madden, all in favor - aye.
3. G. Robert Merry stated that there is also a vacancy for the position of Animal Inspector. Madden explained that this is a one-year position that is up April 1 of each year. Attilio Paglia moved to appoint Reed Wilson until April 1, 2001, second Robert Madden all in favor - aye.
4. G. Robert Merry stated that the date needed to be set for the Annual Town Meeting; Robert Madden moved to set the date of the Annual Town Meeting for May 7, 2001 at 7:30 p.m. at the Pine Grove School, second Attilio Paglia, all in favor - aye.
5. Robert Madden moved to set the date of the Special Town Meeting for May 7, 2001, 7:00 a.m. at the Pine Grove School, second Attilio Paglia, all in favor - aye.
6. G. Robert Merry called for a motion to open the Annual Town Meeting Warrant; Attilio Paglia moved to open the ATM Warrant, second Robert Madden, all in favor - aye. Robert Madden stated that he recommended that the Warrant be closed on February 5, 2001 at 7:00 p.m., second Attilio Paglia, all in favor - aye.

Announcements

1. Christmas Tree drop off for Rowley residents at Eiras Park parking lot area in front of field adjacent to Smith Lane through January 13.

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2. G. Robert Merry announced that there is a vacancy on the Recreation Committee, and interested in serving should contact the Recreation Commission or the Board of Selectmen.

G. Robert Merry called for a moment of silence for Russ Hodgdon who passed away over the weekend. He said that Hodgdon was a Shellfish Commissioner, a member of the Planning Board, elected Town Constable and was always willing to lend a hand.

7:15 p.m. PUBLIC HEARING - Pole Hearing - Rowley Municipal Light Department Officer Eric Grover. Grover stated that the purpose of this hearing is to set a stub pole on the Street; there is a pole that is leaning over. He said he would like to set up a pole across the street from pole 5. G. Robert Merry asked if anyone in the audience would like to speak to this Public Hearing, no one came forward. Merry read from the legal notice that was in the newspaper. Robert Madden moved to approve placement of pole 5-S, second Attilio Paglia, all in favor.

General business continued.

7. G. Robert Merry stated that there are two soil suitability applications from Warren Grover on lots 7 and 8 on Cross Street. He said that the applications appear to be in order. It was decided that the Public Hearings would be held on February 26, 2001 for lot 7 at 7:30 p.m. and lot 8 at 8:00 p.m.

7:30 APPOINTMENT - Open Space Committee Chairman Darrell DeTour to discuss grant application and letter of support. G. Robert Merry read letter into minutes, which is from the Board of Selectmen supporting the Hunsley Hills Project. Attilio Paglia moved to approve the letter, second Robert Madden, all in favor - aye.

General Business continued

10. G. Robert Merry stated that a reminder letter should be mailed to Larry Kelly of Kendall Construction Corp on plowing and sanding River's Edge Road. He said that the bill has already been mailed to him. Attilio Paglia moved to approve sending the letter, second Robert Madden, all in favor - aye.

11. G. Robert Merry stated that there is a letter to the Executive Office of Public Safety authorizing Fire Chief James Broderick to sign/execute grant contracts. Robert Madden moved to approve signing and sending the letter, second Attilio Paglia, all in favor aye.

Attilio Paglia left the meeting at 7:35 p.m.

8. G. Robert Merry read a letter from Triton School Superintendent Garry Murphy and the Board of Selectmen appointee to Triton Agreement Review Committee. Merry stated that Warren Appell has stated that he is interested. Robert Madden moved to appoint Warren Appell as the Board of Selectmen's representative to the Triton Agreement Review Committee, second G. Robert Merry. All in favor - 2-0 Attilio Paglia not present.

9. License application - Veterans Mobil to store combustible flammable substances. Fire Chief Broderick stated that this needs to be done every five years but since Veterans has had a

ownership that this is not a renewal but a license application. There are four separate applications for Veterans Mobil, 3 underground tanks and one above ground tank. G. Robert Merry stated the fee would be waived this time due to the lax in time. Public Hearing set for January 27, 7:15 p.m.

Robert Madden moved to approve the minutes of December 18, 2000, second G. Robert Merry in favor - 2-0, Attilio Paglia absent.

12. G. Robert Merry stated that we have a letter from Mintz, Levin and Cohn on special application for Omnipoint. Merry asked if there were any recommendations, he stated that the recommendation is that he isn't sure he wants to support the application to the Planning Board. Robert Madden stated that he would like to take it under advisement until the Planning Board comes forward. Merry suggested that a letter be sent to the Planning Board that the Board of Selectmen is not interested in this particular project. Robert Madden moved to send the letter to the Planning Board, second G. Robert Merry - all in favor 2-0, Attilio Paglia absent.

G. Robert Merry stated that this wraps up the agenda for the regular session of Board of Selectmen. He asked Mr. Nick Hurlin if there was something that he would like to discuss. He said that he would like to discuss is general public business and the second part is for closed session. Robert Merry stated that he would need something in writing requesting a closed session and the Board of Selectmen would determine the Executive Session. Hurlin stated that the Executive Session would be about personalities. Merry stated that might not be a legitimate Executive Session. Merry stated that he would need that in writing because if it is dealing with a town employee, then the employee has the authority to either have it in Executive Session or Closed Session. Merry stated that if he has something in open session that could be done now. Hurlin stated that this goes back to the 1980's at a Selectmen's meeting. He said during the recent meeting the Selectmen tried to conspire to have his apartment taken away from him. Merry stated that Hurlin that he would have to stop him from going on because there is currently a lawsuit in that particular property. Hurlin said that this has to do with a letter he received from Madeline Norris of the DEP. Merry asked what Hurlin wanted from the Board of Selectmen. Hurlin responded that Nathalie Cook (present owner of property) would like the Board of Health agents to listen to what she has to say. He said they keep telling him to get out of the office he wants to discuss items in detail. Merry told him that if he has a problem with the Board of Health Agent then he needs to talk to the Board of Health. Hurlin stated that the Board of Health Chairman, Charles Costello, also works for the DEP. He said that because Costello works for the DEP then the residents of Rowley have no one to turn to. He said that they (the Board of Health) do not want to discuss the issues. He said that Costello should not be on the Board of Health. Merry told him that he couldn't dismiss the Appointment of Mr. Costello without justifying it. He stated that there was an issue tonight with a licensee and he saw how the Board of Selectmen to help the applicant. He said that the Board of Selectmen need to have their agents act as a way to everyone else in the town. Merry said that the difference is that the Board of Health does not issue anything to do with septic systems or sanitary codes, but the board does issue a license to store fuel which is what the applicant had. Robert Madden stated to Hurlin that here tonight to complain about the Board of Health because he didn't get what he came here for reasonable treatment. Madden stated that the property is now in the name of Nathalie Cook.

not in Nick Hurlin's. He said that because of this point Nathalie is the agent for the property. Hurlin stated that he is the agent; Madden stated that he has nothing telling him that. Madden stated that Hurlin doesn't even like what the DEP is telling him and they are the agency that overrides the Board of Health. Madden said "there are a couple of things that I as a Selectman not put up with, you can complain about any town official that you want to, but let me tell you something, the next time that I ever hear that you have threaten a town employee..." Hurlin said that he didn't threaten a town employee. Madden stated that he got a call from a "very disturbed Mr. Costello". Hurlin stated that Costello took him out of context. Madden said "the next time that you ever do that, you will be barred from town property!" Hurlin said that he is trying to prevent in the future from having another Colbrook, NH or Wakefield from happening. Madden asked Hurlin if he was threatening him. Hurlin said that it was not a threat. He said that he was trying to prevent such a thing from happening. Madden asked him who he was preventing. Hurlin said "from somebody who wasn't like myself, who didn't have my..." Madden said "you causes turmoil everytime he walks into the office". Hurlin stated that he does not cause turmoil. Merry stated that is exactly what is happening right now. Merry said "Nick, if I could give you some friendly advice, you don't go around talking about Wakefields or you don't go around talking about Colbrook, NH to public employees because that is a threat. Merry stated that if it was a threat then why did he bring it up. He said he brought it up because he wants everyone to face reality. Merry stated that you don't bring up those subjects when you are dealing with public employees. Hurlin stated that it was not intended to be a threat. Merry stated that the discussion has ended.

Merry stated that takes care of our general session we would like to enter Executive Session for the purpose of discussing employee contracts, union negotiation, land purchase and lawsuits.

Robert Madden moved to enter into Executive Session, second G. Robert Merry. Roll called. Robert Madden - aye, G. Robert Merry - aye. Attilio Paglia absent. Merry stated that we will reconvene into general session.

General session adjourned at 8:30 p.m.

Respectfully submitted:



Beth Liffers
Executive Secretary

01/08/2001 Monday

Number	Time	Call Reason	Action	Priority	Duplicate
2145		Initiated - OFFICER INVESTIGATION	INVESTIGATED	3	
Call taken:		Kenneth Nelson			
Location:		441 CENTRAL ST			
Initiated by:		14 - David Sedgwick			
Initiated by:		HURLIN, DICK # 441 CENTRAL ST - ROWLEY, MA 01969 978-948-7411			
Unit:		14 Sedgwick	Disp-	Arvd-2145	Clrd-2228
Narrative:					

Dick Hurlin contacted this Department to speak with an Officer.

I responded to Hurlin's house at his request. Upon arrival I was met by Hurlin and Nathalie Cook. Hurlin stated that he wanted to discuss what occurred at the Selectmen's meeting this evening. Hurlin stated that Selectmen Madden had told him in open forum that he had threatened the BOH.

Hurlin spoke in length about the history between the town and his efforts to stay in the house located next to the Grange. Hurlin stated he has contacted numerous Government agencies regarding the biased and unconstitutional decisions by the Town of Rowley. Hurlin also stated that Chief Barry sent a letter to him requesting \$100.00 for a copy of a incident report.

Hurlin stated that he never threatened Costello (Chairman of BOH). Hurlin said to Costello that the reason incidents like Wakefield and Colebrook happen is from the treatment similar to what he was receiving from the BOH. According to Hurlin this was not a threat.

Hurlin then requested that a copy of the original police report be given to him. I informed him that a written request must be made. Hurlin wrote out that request.

Handwritten:
 1. Hurlin's
 request for
 the original
 police report
 was denied.



TOWN OF ROWLEY

POLICE DEPARTMENT

KEVIN BARRY
CHIEF OF POLICE
(978) 948-7644
FAX (978) 948-7087
ORI MA0052700

477 HAVERHILL STREET
P.O. BOX 365
ROWLEY, MA 01969
www.rowleypolice.com

January 9, 2001

Mr. Nicholas Hurlin
419 Central Street
Rowley, MA 01969

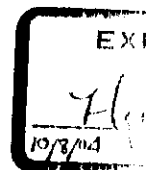
Dear Mr. Hurlin,

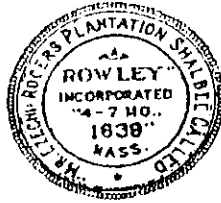
As a result of your threatening behavior on the evening January 8, 2001, at which time during a phone conversation with the Chairman of the Rowley Board of Health and later that same evening during your appearance before the Rowley Board of Selectmen, you stated your desire to "prevent another Colebrook, NH or Wakefield, MA", together with similar threatening behavior in the past, please be advised that, effective immediately, you are barred from entering the Town Hall and the Town Hall Annex except by appointment with the official or employee with whom you will be meeting. Each such appointment shall be made at least twenty-four (24) hours in advance and an Officer of the Rowley Police Department will escort you to all such appointments. Please, also be advised, the Rowley Police will be contacted by that particular department.

It shall be your responsibility to make the necessary arrangements with the Rowley Police Department to conform to the elements of this letter. Please be further advised that if you arrive at Town Hall without such appointment and/or police escort, you will be considered a Trespasser and be assured this Police Department will take all appropriate action. Any further complaints of threatening or annoying phone calls will be investigated.

Respectfully,

Kevin Barry
Chief of Police





Town of Rowley
Massachusetts 01969

(971) 941

Board of Selectmen

January 9, 2001

TO: All Town Department Heads, Employees, Boards and Commissions

FR: G. Robert Merry, Chairman, Board of Selectmen *GRM*

RE: POLICY

Please be advised that, effective immediately, Mr. Nicholas Hurlin has been instructed that he is not to enter Town Hall or Town Hall Annex property without an appointment with a town official or employee. Said appointment shall be made at least twenty-four (24) hours in advance, and at the time of making such appointment with Mr. Hurlin, the person making the appointment shall immediately notify the Rowley Police Department of such appointment. A police officer will escort Mr. Hurlin to the appointment.

If Mr. Hurlin enters the Town Hall or Town Hall Annex without such an appointment, you are hereby instructed to call the Police Department *immediately* (9-1-1) or 948-7644.

cc: Police Chief Kevin Barry